

### REMARKS

Applicants appreciate the thorough examination of the present application as reflected by the Office Action. Applicants submit that the present rejections should be withdrawn for at least the reasons discussed below.

#### **Restriction Requirement:**

The Office Action requires election of one of the following two species asserted by the Examiner:

1. A method "of forming a cell pad contact hole, where a second poly film formed on a first poly film in the contact substantially fills the contact hole (claims 1-2, 32-43)"

2. A method "of forming a cell pad contact hole, where the cell pad contact hole is self-aligned to gates and gate spacers, and where the contact hole is filled with first and second poly films (claims 27-31)"

Office Action, p. 2.

Applicants note that the Species 1 Claims 1-12 and the Species 2 Claims 27-31 were already examined as reflected, for example, in the Office Actions mailed January 26, 2005 and July 27, 2005. Furthermore, no amendments to the claims have been subsequently made that would require a new search. In fact, the most recent amendment was merely directed to a Section 112 rejection raised by the Examiner related to the term "ion." A restriction is only proper if there is a patentable difference between the species **and** it would be a serious burden on the Examiner if restriction is not required. M.P.E.P. ¶ 808.01(a). As these claims have already been searched, this second criterion is clearly not met. In addition, the species election requirement is supposed to be presented prior to searching. M.P.E.P. ¶ 808.01(a). Accordingly, Applicants request withdrawal of the election requirement and consideration of all the claims in light of the arguments related to patentability presented in the Applicants' previous amendments and prior indications of allowable subject matter.

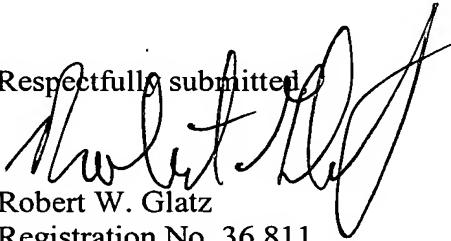
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Serial No.: 10/622,915  
Filed: July 18, 2003  
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To be fully responsive to the Office Action, Applicants elect Species 1 (Claims 1-12 and 32-43) with traverse. The Species 2 Claims 27-31 have not been canceled or withdrawn in light of the arguments traversing the election requirement above.

### Conclusion

In view of the above, Applicants submit that the pending claims are in condition for allowance and respectfully request allowance of the present application. If further informalities are noted, the Examiner is encouraged to contact the undersigned by telephone to expedite allowance of the present application.

Respectfully submitted,

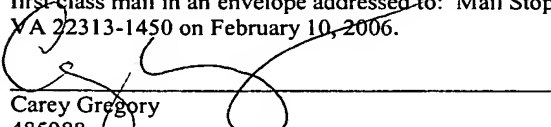


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